

AMENDED IN SENATE MAY 25, 2001

AMENDED IN SENATE MAY 3, 2001

AMENDED IN SENATE APRIL 30, 2001

AMENDED IN SENATE APRIL 5, 2001

**SENATE BILL**

**No. 255**

**Introduced by Senator Speier**

February 15, 2001

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An act to ~~add Section 1463.15 to the Penal Code, and to add Division 6.7 (commencing with Section 15600) to the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 255, as amended, Speier. Crimes: unattended children in vehicles.

(1) Existing law makes it a crime for any person, under circumstances or conditions likely to produce great bodily harm or death, to willfully cause or permit any child to suffer, or inflict thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully cause or permit the person or health of that child to be injured, or willfully cause or permit that child to be placed in a situation where his or her person or health is endangered. This crime is required to be punished by imprisonment in a county jail not exceeding one year, or in the state prison for 2, 4, or 6 years.

This bill would additionally make it an infraction, punishable by a fine of \$100, except that the court would be authorized to reduce or waive the fine if the defendant is economically disadvantaged, for the parent, legal guardian, or other person responsible for a child who is 6

years of age or younger to leave that child inside a vehicle, without being subject to the supervision of a person who is 12 years of age or older, and where there are conditions that present a significant risk to the child's health and safety or when the vehicle's engine is running or the vehicle's keys are in the ignition, or both.

The bill thereby would impose a state-mandated local program by creating a new crime.

The bill would require that 60% of the revenue ~~derived~~ *collected* from fines imposed under these provisions be ~~deposited in the Child Vehicle Safety Education Fund, which the bill would establish in the State Treasury~~ *allocated by the county treasurer to the county or city health department where the violation occurred, to be used for the development and implementation of community education programs on the dangers of leaving young children unattended in motor vehicles; 25% be allocated to the county or city for the administration of the program; and 15% be allocated to the city, to be deposited in its general fund except that, if the violation occurred in an unincorporated area, this amount would be allocated to the county for the community education programs described above.* Because this would increase the level of service required by the county treasurer, the bill would impose a state-mandated local program. ~~The money in the fund would be available to the Department of Motor Vehicles, upon appropriation, for allocation to cities, counties, and other local authorities for the development of community education programs on the dangers of leaving young children unattended in vehicles.~~

The bill would require the department to include information concerning the dangers of leaving children unattended in motor vehicles, including the effect of solar heat on the temperature of vehicle interiors and the penalties for noncompliance with the provisions specified above, in specified materials distributed by the department.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.



With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Leaving young children unattended in motor vehicles has
- 4 caused serious health and safety harm to children and is an
- 5 unacceptable public health and safety hazard.
- 6 (b) The dangers of leaving young children unattended in motor
- 7 vehicles include possible child access to ignition, brakes, clutch
- 8 and gear shift lever, and other parts of the vehicle that could cause
- 9 uncontrolled vehicular movement, exposure of the child to
- 10 extreme cold or heat in those vehicles, and other dangers.
- 11 (c) Prior instances where young children have been left
- 12 unattended in or around motor vehicles have resulted in serious
- 13 injury or death, with no less than 60 fatalities in this state.
- 14 (d) It is well established that educational approaches, including
- 15 promotional materials and television, radio, and print advertising,
- 16 by themselves, do not improve safety behavior. Only when the
- 17 educational approach is integrated with enforcement activities are
- 18 they effective. The report of the January 2001 Seat Belt Summit,
- 19 issued by the Automotive Coalition for Traffic Safety Inc., an
- 20 organization composed of the major United States automobile
- 21 manufacturers, supports this fact. That report found that the use of
- 22 vehicle seat belts significantly increased when a law required their
- 23 use, established a monetary penalty, and the public believed that
- 24 the law was being enforced. The report concludes that advertising
- 25 programs without an enforcement program should not be used.
- 26 Other groups, including the Insurance Institute for Highway
- 27 Safety and the Harborview Injury Prevention and Research
- 28 Center, have also concluded that information and educational
- 29 campaigns without enforcement provisions are not effective.
- 30 (e) It is, therefore, the intent of the Legislature to improve
- 31 vehicle safety for children by both educating the public about the



1 danger of leaving a young child alone in a motor vehicle in  
2 circumstances that pose a life safety risk, and discouraging this  
3 dangerous conduct by imposing a monetary fine upon persons who  
4 engage in this conduct.

5 ~~SEC. 2. Section 1463.15 is added to the Penal Code, to read:~~  
6 ~~1463.15. Notwithstanding Sections 1463 and 1464 of this~~  
7 ~~code and Section 76000 of the Government Code, the first 60~~  
8 ~~percent of moneys that are collected for a violation of Chapter 2~~  
9 ~~(commencing with Section 15620) of Division 6.7 of the Vehicle~~  
10 ~~Code shall be transferred to the State Treasurer for deposit in the~~  
11 ~~Child Vehicle Safety Education Fund pursuant to Section 15630~~  
12 ~~of the Vehicle Code.~~

13 ~~SEC. 3.—~~

14 SEC. 2. Division 6.7 (commencing with Section 15600) is  
15 added to the Vehicle Code, to read:

16  
17 DIVISION 6.7. UNATTENDED CHILD IN MOTOR  
18 VEHICLE SAFETY ACT

19  
20 CHAPTER 1. GENERAL PROVISIONS

21  
22 15600. This division shall be known and may be cited as  
23 “Kaitlyn’s Law.”

24 15602. This division applies to vehicles upon the highways  
25 and elsewhere throughout the state unless expressly provided  
26 otherwise.

27 15603. The purpose of this division is to help prevent injuries  
28 to, and the death of, young children from the effects of being left  
29 alone in a motor vehicle, to help educate parents and caretakers  
30 about the dangers of leaving children alone in a motor vehicle, and  
31 to authorize a monetary fine to be imposed on a person for leaving  
32 a young child alone in a motor vehicle in circumstances that pose  
33 a life safety risk.

34  
35 CHAPTER 2. OFFENSES

36  
37 15620. (a) A parent, legal guardian, or other person  
38 responsible for a child who is 6 years of age or younger may not  
39 leave that child inside a vehicle without being subject to the

supervision of a person who is 12 years of age or older, under either of the following circumstances:

(1) Where there are conditions that present a significant risk to the child's health and safety.

(2) When the vehicle's engine is running or the vehicle's keys are in the ignition, or both.

(b) A violation of subdivision (a) is an infraction punishable by a fine of one hundred dollars (\$100), except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged.

(c) Nothing in this section shall preclude prosecution under both this section and Section 192 of the Penal Code, or Section 273a of that code, or any other provision of law.

### CHAPTER 3. EDUCATIONAL PROVISIONS

~~15630. Sixty percent of the revenue derived from fines imposed under Chapter 2 (commencing with Section 15620) shall be deposited in the Child Vehicle Safety Education Fund, which is hereby established in the State Treasury. The money in the fund shall be available to the department, upon appropriation, for allocation to cities, counties, and other local authorities for the development of community education programs on the dangers of leaving young children unattended in vehicles.~~

*15630. Notwithstanding any other provision of law, the fines collected for a violation of this division shall be allocated by the county treasurer, as follows:*

*(a) Sixty percent to the county or city health department where the violation occurred, to be used for the development and implementation of community education programs on the dangers of leaving young children unattended in motor vehicles.*

*(b) Twenty-five percent to the county or city for the administration of the program.*

*(c) Fifteen percent to the city, to be deposited in its general fund except that, if the violation occurred in an unincorporated area, this amount shall be allocated to the county for purposes of subdivision (a).*

15632. (a) The department shall include information concerning the dangers of leaving children unattended in motor

1 vehicles, including, but not limited to, the effect of solar heat on  
2 the temperature of vehicle interiors and the penalties for  
3 noncompliance with Chapter 2 (commencing with Section  
4 15620), in the following educational materials distributed by the  
5 department:

6 (1) The California Driver's Handbook published under  
7 subdivision (b) of Section 1656.

8 (2) The driver's license examination administered under  
9 Section 12804.9.

10 (3) Any driver's education materials certified by the  
11 department.

12 (4) Courses and examinations for traffic violator schools.

13 (5) Materials provided to secondary and post-secondary  
14 schools and educational institutions.

15 (6) Any materials provided to community education  
16 campaigns undertaken by the department and other state agencies,  
17 including, but not limited to, the Department of the California  
18 Highway Patrol and the Department of Transportation.

19 (b) The department shall not republish materials before  
20 existing supplies are exhausted, but shall arrange for compliance  
21 with this section in the next edition or publication of those  
22 materials in the normal course of business.

23 ~~SEC. 5.~~

24 *SEC. 3.* No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution for  
26 certain costs that may be incurred by a local agency or school  
27 district because in that regard this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.

33 However, notwithstanding Section 17610 of the Government  
34 Code, if the Commission on State Mandates determines that this  
35 act contains other costs mandated by the state, reimbursement to  
36 local agencies and school districts for those costs shall be made  
37 pursuant to Part 7 (commencing with Section 17500) of Division  
38 4 of Title 2 of the Government Code. If the statewide cost of the  
39 claim for reimbursement does not exceed one million dollars



1 (\$1,000,000), reimbursement shall be made from the State  
2 Mandates Claims Fund.

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